

# "You Underestimate Us, Barkley" :

Thanks, Shelley Miller, for the tagline at the top of the page. It's a concise summation of the entire Bryan Anderson Building episode.

The conflict began quietly on Sept. 19, 1979, with one public notice in the Journal-World classified section.

Anderson maintained that his due process rights under the Sixth Amendment had been violated because the city never attempted to notify him personally. He filed suit against the city in Douglas County District Court in early 1980. Anderson's attorney, Robert Kroeker, compared the statute allowing condemnation without notification to "a time bomb in the basement, which an owner has no way of knowing is ticking."

The neighborly thing to do, of course, would be to budget 80 cents into the \$260,000 for a certified letter to the property owner notifying him of the condemnation action. But doing the decent thing would occur to few politicians and to even fewer lawyers, most of whom hope to become judges some day.

The condemnation action couldn't have come at a worse time for Bryan Anderson. While the city was claiming his business, cancer was claiming his father some 700 miles away. Bryan admitted he was aware of the condemnation action, but he was unaware of the brief period in which the law says any appeal must be filed. Distracted by the strain of his father's death, Bryan let the 30 days slip by.

It was a mistake that proved fatal to the Fat City Toy Company and the five other businesses housed by the Anderson Building.

Each appeal met with the same response from the bench: the city had complied with the specifications of the law, the plaintiff hadn't. Next case.

Still struck by the unfairness of the procedure, Anderson went after the statute itself. The law was unconstitutional, his attorney claimed, because it placed an unreasonable onus on the property owner. That appeal was waiting for the filing of final briefs when it was put in limbo by the destruction of the building.

Throughout the controversy, one nagging question kept cropping up. The city claims that Anderson knew his building had been earmarked for demolition before he bought it, but Bryan says he didn't. How is one to determine which party is telling the truth, short of asking everybody to take polygraph tests?

We could consider which party has shown the greater propensity to lie, but that might be too subjective. Or we could apply a little logic to the known facts and draw a conclusion, if possible.

Fact: When a speculator buys a building on credit, knowing that the city wants it, he maybe cleans it up, makes the minimum repairs to pass inspection then uses it for storage or warehouses it out. If he can pull in enough to make the bank payments while he's waiting for the trick to turn, he's happy.

Fact: Bryan Anderson spent a year of his life refurbishing the interior of his building; and he spent \$45,000 on improvements to the structure, such as new heating, lighting and plumbing systems. Commissioner Don Binns complained in the Journal-World that not much had been done to beautify

the exterior of the building. Fortunately for Mr. Binns, the building wasn't given equal space to reply.

Fact: When a speculator unloads property on the city, he pats the commissioners on the back, takes the money and runs.

Fact: Bryan fought the condemnation every step of the way, after that first misstep. In doing so, he expended more in legal fees than he possibly could have recovered from the sale of the building. "By the time I paid off all the loans and mortgages," says he, "I had to borrow \$20,000 to pay the lawyers."

Conclusion: Draw your own. The cost of the protracted legal battle, loss of income and a growing debt left him spiritually and financially depleted. The hardest part to stomach was having to pay rent to the city while he was moving out. "The city really kicked me while I was down," Anderson says.

About the time he was ready to throw in the towel, his plight came to the attention of some of the more active citizens in town. Bolstered by their support, Bryan climbed back into the ring and served notice he was going the distance. He's still going.

The clamor of the ensuing fray attracted the attention of nearly every television and radio station in the region, as well as all the important newspapers. The Los Angeles Times News Service sent Larry Green down from its Chicago bureau to find out what the fuss was about, and his account ran nationwide.

In Lawrence, the word spread, "This guy's gettin' screwed." And Anderson's cadre of supporters became a phalanx. Yardsigns went up, letters were written, peti-

tions circulated and buttons appeared on lapels everywhere, all carrying the common plea: Save 600 Mass.

But the pleas were falling on deaf ears--the ears that mattered, that is. When Bryan and about 60 supporters went to a city commission meeting to discuss the fate of the building, they were treated quite rudely. About midnight, when the item finally came up on the agenda, the city fathers turned their backs on the citizens and strolled off into "executive session."

Commissioner Marci Francisco--the city mother--was caught in a dilemma. Not wanting to take part in such a crude insult, yet not wanting to deprive the public of their only set of ears, she stood by her post with her palms turned up. "What shall I do?" she asked the assemblage.

"Go on in," came the reply. "Do your best."


The next morning, Mayor Ed Carter told the KLWN radio audience that looking at the city commission room gallery had been like "looking at a zoo." Not overly burdened by tact or good manners, our mayor.

The citizens responded with a petition calling for a moratorium on condemnation and demolition until a comprehensive downtown development plan could be implemented. To kick off the petition drive, 50 local artists staged an exhibit supporting Anderson's struggle to save 600 Mass.


The petition drive sputtered at first, then caught hold as the public began to recognize the obvious injustice of the situation. True to form, the City Fathers insulted the intelligence of the 2,400 people who signed the petition by telling them they



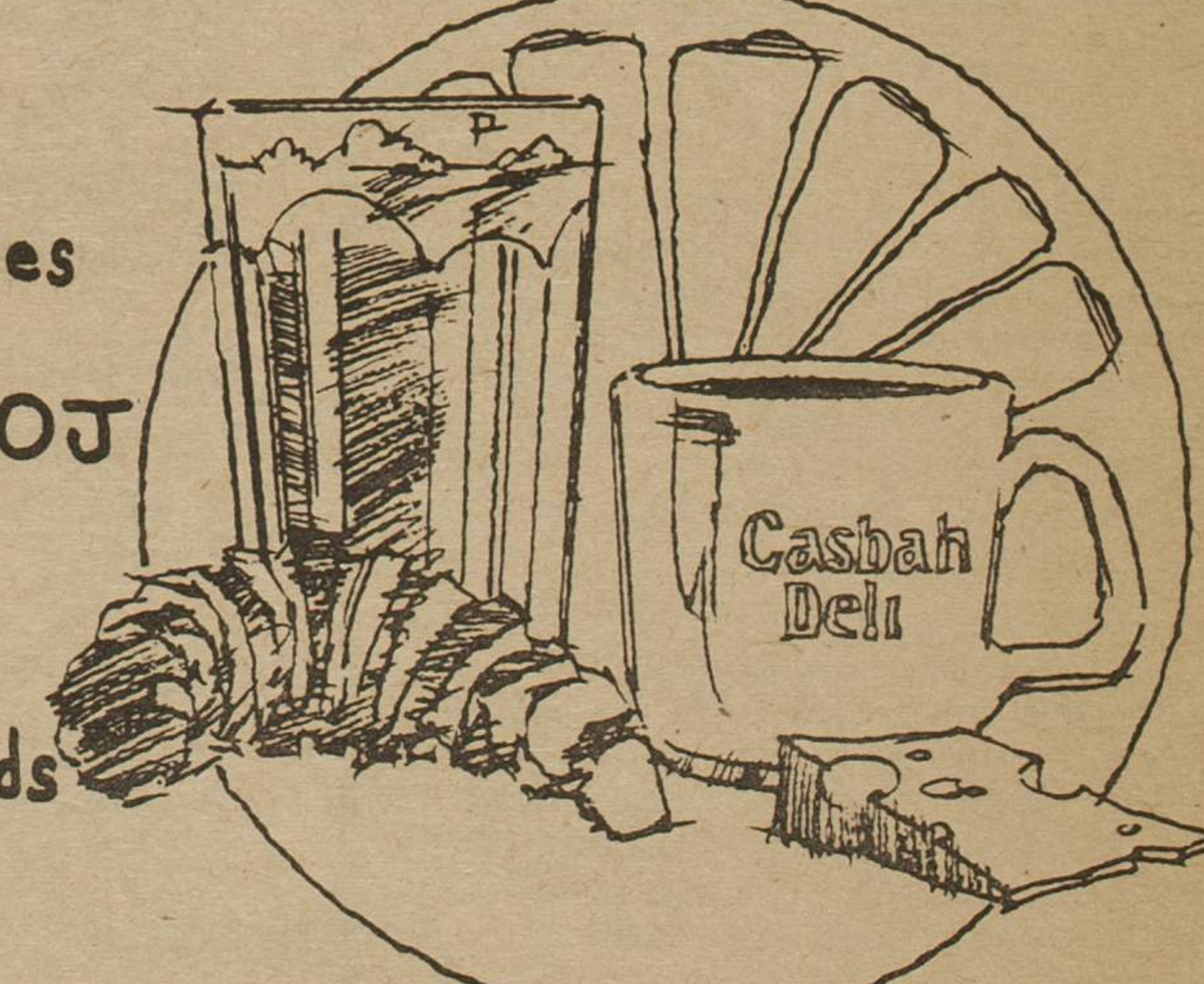
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